

COUNTY OF SAN DIEGO

**2014 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM**

2014 SEP 22 AM 11 40

Contact Person: Kami McElligott Telephone Number: 619-445-7236

Name of Agency: Alpine Union School District

Mailing Address: 1323 Administration Way, Alpine, CA 91901

This agency has reviewed its conflict of interest code and has determined that:

☒ **Amendments are necessary:** (Attach Amended Code)  
(Check all that applies)

- ☒ Include new positions (including consultants) which must be designated
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished
- ☐ Delete positions that manage public investments
- ☐ Revise disclosure categories
- ☐ Other \_\_\_\_\_

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer: *B. Ashun* Date: 9-18-14

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2014 to:**

**Clerk of the Board of Supervisors  
(Conflict of Interest Code)  
1600 Pacific Highway, Room 402  
San Diego, CA 92101**

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/2/14</u>	Minute Order No. <u>23</u>
By: <u><i>OM</i></u>	Date: <u>12/12/14</u>
Deputy Clerk of the Board Supervisors	

COUNTY OF SAN DIEGO

**2014 CONFLICT OF INTEREST CODE  
BIENNIAL REVIEW REPLY FORM**

2014 NOV 13 PM 2 53

**Clerk of the Board of Supervisors**  
Contact Person: Kami McElligott Telephone Number: 619-445-3236

Name of Agency: Alpine Union School District

Mailing Address: 1323 Administration Way, Alpine, CA 91901

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(Check all that applies)

- ☒ Include new positions (including consultants) which must be designated
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## **Board Bylaws**

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS BB 9270(a)

## **CONFLICT OF INTEREST**

2012 SEP 28 AM 9 25

### **Incompatible Activities**

THOMAS J. CIUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

Governing Board members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)

### **Conflict of Interest Code**

The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code in even-numbered years. If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated by changed circumstances, such as the creation of new designated positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the district shall provide officers, employees, consultants and members of the community with adequate notice and a fair opportunity to present their views. (Government Code 87311)

If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

### **Financial Interest**

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

A Board member shall not be considered to be financially interested in a contract if his/her interest includes, but is not limited to, any of the following: (Government Code 1091.5)

**CONFLICT OF INTEREST (continued)**

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or office holding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records
7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records
8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

## **CONFLICT OF INTEREST (continued)**

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

### **Gifts**

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

**CONFLICT OF INTEREST** (continued)

**Honoraria**

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

*Legal Reference:* (see next page)

## CONFLICT OF INTEREST (continued)

### *Legal Reference:*

#### EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices*

35233 *Prohibitions applicable to members of governing boards*

35239 *Compensation for board members in districts under 70 ADA*

#### GOVERNMENT CODE

1090-1098 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91015 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

82019 *Definition of designated employee*

82028 *Definition of gifts*

82030 *Definition of income*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

91000-91014 *Enforcement*

#### CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18702.5 *Public identification of a conflict of interest for Section 87200 filers*

#### COURT DECISIONS

*Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655*

*Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511*

#### ATTORNEY GENERAL OPINIONS

86 *Ops. Cal. Atty. Gen. 138(2003)*

85 *Ops. Cal. Atty. Gen. 60 (2002)*

82 *Ops. Cal. Atty. Gen. 83 (1999)*

81 *Ops. Cal. Atty. Gen. 327 (1998)*

80 *Ops. Cal. Atty. Gen. 320 (1997)*

69 *Ops. Cal. Atty. Gen. 255 (1986)*

68 *Ops. Cal. Atty. Gen. 171 (1985)*

65 *Ops. Cal. Atty. Gen. 606 (1982)*

### *Management Resources:*

#### WEB SITES

*Fair Political Practices Commission: <http://www.fppc.ca.gov>*

### Policy

adopted: March 11, 1992

Revised: June 14, 2006

Revised: August 30, 2012

ALPINE UNION SCHOOL DISTRICT

Alpine, California

ATTACHMENT A  
Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in **Category 1** defined in Attachment B.

Governing Board Members

Superintendent

Director of Human Resources and Pupil Services

Business Manager

- II. Persons occupying the following positions are designated employees and must disclose financial interests in **Category 2** defined in Attachment B.

Governing Board Members

Superintendent

Director of Human Resources and Pupil Services

Business Manager



ATTACHMENT B  
Disclosure Categories

CATEGORY 1

Designated persons in this category must report:

- (a) Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold to acquire such interest in real property.
- (b) Investments or business positions in or income from sources which:
  - (1) are engaged in the acquisition or disposal of real property within the district.
  - (2) are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, of
  - (3) manufacture or sell supplies, books, machinery or equipment of the type used by the district.

CATEGORY 2

Designated persons in this category must report investments or business positions in or income from sources which:

- (a) are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- (b) manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

NOTICE: Investments include any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership interest or other ownership interest. (Government Code 82034)

Investments do not include (1) a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, or any bond or other debt instrument issued by any government or government agency; (2) assets with a fair market value of less than one thousand dollars. (Government Code 82034)